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Nevada bar No. 10151  
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Attorney for Defendant  
OTONIEL GARCIA

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	2:21-CR-00315-CDS-EJY
Plaintiff	)	
v.	)	STIPULATION AND ORDER TO
	)	CONTINUE SENTENCING
OTONIEL GARCIA,	)	
Defendant	)	(1 <sup>st</sup> Request)

IT IS HEREBY STIPULATED by and between OTONIEL GARCIA Defendant, by and through his counsel MICHAEL J MICELI, ESQ, and the United States of America, JACOB OPERSKALSKI, Assistant United States Attorney, that Sentencing in the above-captioned matter currently scheduled August 14, 2023 at the hour of 11:00 a.m., be vacated and continued for sixty (60) days or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.
2. Counsel has spoken to AUSA Jacob Operskalski and he has no objection to the continuance.
3. Defendant is in custody in Pahrump.

4. Counsel for Defendant will be out the jurisdiction and will need additional time to adequately prepare for sentencing.
5. Denial of this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for sentencing in this case, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.
8. This is the 1<sup>st</sup> request for a continuance of the sentencing date in this case.

DATED this 7th day of August 2023.

PITARO & FUMO, CHTD.

UNITED STATES ATTORNEY

/s/ Michael J. Miceli, Esq.  
MICHAEL J. MICELI, ESQ.  
601 LAS VEGAS BOULEVARD, SOUTH  
LAS VEGAS, NEVADA 89101  
ATTORNEY FOR DEFENDANT  
OTONIEL GARCIA

/s/Jacob Operskalski, Esq.  
JACOB OPERSKALSKI, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
501 LAS VEGAS BOULEVARD SOUTH. #1100  
LAS VEGAS, NEVADA 89101

Defendant

(1st Request)

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.

2. Counsel has spoken to AUSA Jacob Operskalski and he has no objection to the continuance.

3. Defendant is in custody in Pahrump.

4. Counsel for Defendant will be out the jurisdiction and will need additional time to adequately prepare for sentencing.

5. Denial of this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for sentencing in this case, taking into account the exercise of due diligence.

6. Additionally, denial of this request for continuance would result in a miscarriage of justice.

7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.

1 8. This is the 1<sup>st</sup> request for a continuance of the sentencing date in this case.  
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3 **CONCLUSIONS OF LAW**  
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5 The end of justice served by granting said continuance outweigh the best interest of the  
6 public and defendants in a speedy trial since the failure to grant said continuance would likely  
7 result in a miscarriage of justice, would deny the parties herein sufficient time and the  
8 opportunity within which to be able to effectively and thoroughly prepare for sentencing taking  
9 into account the exercise of due diligence.  
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11 **ORDER**

12 **IT IS ORDERED** that the Sentencing currently scheduled for August 14, 2023, at  
13 the hour of 11:00 a.m. is vacated and continued to October 12, 2023, at the hour of 10:00  
14 a.m. in Courtroom 6B.

15 DATED: August 7, 2023  
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19 U.S. DISTRICT JUDGE  
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